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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,018	06/29/2001	Leslie John Cass	ADAMS1100	9324
28213	7590	10/01/2004	EXAMINER	
GRAY CARY WARE & FREIDENRICH LLP 4365 EXECUTIVE DRIVE SUITE 1100 SAN DIEGO, CA 92121-2133			BORISSOV, IGOR N	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/830,018

Applicant(s)

CASS, LESLIE JOHN

Examiner

Igor Borissov

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-74 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 32-74 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The original claims 1-31 have been canceled. The newly introduced claims 32-74 have been added. Claims 32-74 are currently pending in the application.

Claim Objections have been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 32-36, 38-39, 42-47, 49-50, 53-57, 62-66 and 71-74 are rejected under 35 U.S.C. 102(b) as being anticipated by Bashan et al. (US 5,339,000).

Bashan et al. (hereinafter Bashan) teaches a method and system for monitoring parked vehicles, comprising:

As per claims 32, 43, 54, 63 and 72,

a hand-held device for monitoring and identifying a vehicle in at least one parking zone, the device including input means for feeding input identification particulars of a vehicle parked in a parking zone into the device (column 5, lines 42-45); communication means for receiving reference identification particulars of vehicles communicated from a remote station to the device (column 6, lines 21-26); storage means for storing said reference identification particulars column 6, lines 4-8); timing means for timing the duration for which the vehicle is parked in the parking zone (column 6, lines 14-15);

processor means connected to the input means and to the storage means, the processor means including comparator means for comparing the input identification particulars with the reference identification particulars, the processor means being operable to calculate a monetary amount due for parking for said duration in the parking zone so that the device functions as a parking meter (column 8, lines 12-25); signal generation means for selectively generating a warning signal in response to said comparison (column 4, lines 32-34); display means (column 6, lines 55-61); and monetary receiving means for receiving the monetary amount due (column 11, lines 55-61; column 12, lines 2-4).

As per claims 33, 44, 56 and 65 said method and system, wherein the monetary receiving means includes card reading means for reading information stored on a card and feeding it to the processor means for processing payment electronically (column 11, lines 55-61).

As per claims 34 and 45, see claims 32 and 43.

As per claims 35 and 46, said method and system, wherein the identification particulars are displayed on the display means (column 6, lines 18-20).

As per claims 36 and 47, said method and system, including a printer for printing a hard-copy of selected data (column 6, lines 9-10).

As per claims 38-39, 49-50, 55, 57, 64 and 66, said method and system, wherein the input means includes a reader capable of reading in a wireless fashion a tag device in or on the vehicle, the tag device carrying the said identification particulars of the vehicle (column 5, lines 52-55).

As per claims 42, 53 and 73, said method and system, wherein the reference identification particulars are reference identification particulars of stolen vehicles (column 6, lines 25-26).

As per claims 62 and 71, said method and system, wherein the remote station includes alternate communication means for communicating with other databases (column 6, lines 21-26).

As per claim 74, said method and system, wherein a communication means are provided for receiving reference identification particulars of vehicles communicated from a remote station to the device (column 6, lines 21-26).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 37 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bashan in view of Hjelmvik et al. (WO 98/30982).

As per claims 37 and 48, Bashan teaches all the limitations of **claims 34 and 45**, except that said input means includes a keypad via which the identification particulars of the vehicle and the parking zone are manually entered.

Hjelmvik et al. teaches a method and system for monitoring parked vehicles, including a hand-held unit equipped with a keyboard by means of which a registration number can be entered manually (column 8, lines 25-27).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bashan to include that said hand-held unit equipped with a keyboard by means of which a registration number can be entered manually, as disclosed in Hjelmvik, because it would advantageously enhance the redundancy of the system by allowing to operate the system when wireless downloading of said identification particulars of the vehicle is not possible.

Claims 40-41 and 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bashan in view of Ganot (US 5,166,680).

As per claims 40-41 and 51-52, Bashan teaches all the limitations of **claims 40-41 and 51-52**, except specifically teaching device-enabling means for selectively enabling the device by means of a password.

Ganot teaches a method and system for portable parking meter device, wherein a password is used to prevent unauthorized use of said device (column 9, lines 3-12).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bashan to include that a password is used to prevent unauthorized use of said device, as disclosed in Ganot, because it would advantageously enhance the security of the system.

Claims 58-60 and 67-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bashan in view of Vazvan (WO 97/19568).

As per claims 58-59 and 67-68, Bashan teaches all the limitations of **claims 58-59 and 67-68**, except that the system includes a plurality of remote stations associated with parking zones, each remote station being in wireless communication with an associated remote station, wherein said telecommunication network is a cellular telephone network.

Vazvan teaches a mobile parking method and system, including a plurality of remote computers (parking databases) associated with parking zones, and wherein each remote computer is in wireless communication with a hand-held device, such as a cell phone (page 2, lines 9-22).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bashan to include a plurality of remote stations adapted to be in wireless communications with a cell phones, as disclosed in Vazvan, because it

would advantageously allow to employ said system in the areas not equipped with alternative communication means.

As per claims 60 and 69, Vazvan teaches said method and system, wherein said reference identification particulars are downloaded by means of SMS messaging (page 1, lines 1-3).

Claims 61 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bashan in view of Vazvan and further in view of Official Notice.

As per claims 61 and 70, Bashan in view of Vazvan teaches all the limitations of **claims 61 and 70**, including use of communication network, except specifically teaching that said communication network is the Internet.

Official notice is taken that it is well known that the Internet is a worldwide collection of network and gateways that use the TCP/IP suite of protocols to communicate with one another (Microsoft Computer Dictionary, 4th Ed.; 1999).

Therefor, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bashan in view of Vazvan to include that said communication network is the Internet, because posting said reference identification particulars, including information about stolen vehicles, on the Web would advantageously make said information instantly available to a plurality of control stations or Internet-enabled hand-held devices, thereby make it more convenient for the users.

Response to Arguments

Applicant's arguments filed 6/28/2004 have been fully considered but they are not persuasive.

In response to applicant's argument that Bashan does not teach monetary receiving means, it is noted that Bashan specifically teaches that renewing of the

parking credit can be accomplished using conventional smart-card type terminals (C. 11, L. 60-61). Furthermore, Bashan teaches that the terminal at the gas station can be connected to a remote computer to which all transactions relating to parking tag purchase and credit renewal are (column 12, lines 2-4).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308-2702.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington D.C. 20231

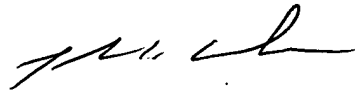
or faxed to:

(703) 872-9306 [Official communications; including After Final
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 7th floor receptionist.

IB

09/27/2004



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